
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

STACY L. CONNER,

Petitioner,

versus

TEXAS COURT OF CRIMINAL APPEALS,

Respondent.

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CIVIL ACTION NO. 1:10-CV-816

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Stacy L. Conner, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of mandamus.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends the petition be dismissed.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED.R.CIV.P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner asks this court to issue a writ of mandamus directing the Texas Court of Criminal Appeals to accept his petition for discretionary review as being timely

filed. However, this court is not authorized to direct state courts in the performance of their duties. *Santee v. Quinlan*, 115 F.3d 355, 357 (5th Cir. 1997).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 25th day of July, 2011.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE